

7.1.10 Title

The official title of these regulations shall be "Metropolitan Subdivision Regulations."

7.1.20 Purpose of Regulations

The purpose of these regulations is to promote the public health, safety and welfare of Jefferson County by providing for the orderly development of stable, healthful, safe and desirable residential, commercial, industrial and public areas throughout the county.

7.1.30 Scope of Regulations

These regulations shall apply to all subdivisions of land situated anywhere within Jefferson County.

7.1.40 Powers of Commission

The Commission is hereby empowered to do all things necessary and proper to administer and enforce these regulations, including but not limited to the power to hear and finally decide applications for variances when a proposed development involves a subdivision and one or more variances. In considering applications for variances under these regulations, the Planning Commission shall assume all powers and duties otherwise exercised by the Board of Zoning Adjustment pursuant to KRS 100.231, 100.233, 100.237, 100.241, 100.243, 100.244 and 100.251. The applicant for the subdivision, at the time of the filing of the application for the subdivision, may elect to have a variance for the same development to be heard and finally decided by the Planning Commission at the same public hearing set for the subdivision, or by the Board of Zoning Adjustment as otherwise provided by KRS Chapter 100.

7.1.50 Severability of Regulations

These regulations are severable and the invalidation of any portion hereof by any court of competent jurisdiction shall in no way affect the validity of any other portion.

7.1.60 Amendment of Regulations

These regulations may be amended from time to time as provided by law.

7.1.70 Definitions

Terms defined in the Development Code shall have the meaning ascribed therein, except as expressly provided herein. In addition as used herein, the following terms are hereby defined.

The following terms relating to Subdivision Regulations are included in the Definitions (Chapter 1 Part 2): Building Limit Line Cardinal Point, Common Open Space, Concept Plan Construction Easement Construction Plans Easement - Pedestrian Way Preliminary Plan Public Improvement - Record Plat - Residual Tract Right-of-Way - Subdivision Minor Subdivision - Major Subdivision - Technical Review Committee (TRC)

7.1.80 **Waivers**

Requests for waivers shall be subject to the provisions of Chapter 11, Part 8 of the Land Development Code.

7.1.84 **Major Subdivisions in the Suburban Workplace Form District**

Major residential subdivisions within the Suburban Workplace Form District shall provide a 50 foot buffer strip with a six (6) foot berm and canopy trees as required by Chapter 10. No residential structure within the major residential subdivisions shall be allowed within 250 feet from the perimeter of the subdivision. Exception: 250 foot setback is not applicable to portions of the subdivision that adjoin lots developed for residential use at a density equal to or greater than one dwelling unit per acre.

7.1.85 **Subdivisions in Traditional Form Districts**

Where the Planning Commission finds that subdivision or resubdivision of a legally created lot in the Traditional Neighborhood Form District, Traditional Workplace Form District, or Traditional Marketplace Corridor Form District will not conflict with the established pattern in the neighborhood and will promote the public health, safety, or welfare by facilitating development or rehabilitation of such property compatible with the surrounding neighborhood, then the Planning Commission may approve the requested subdivision notwithstanding the fact that one or more of the resulting lots do not conform to the applicable requirements relating to area or width or size of yards.

Any request for approval of a subdivision under the provisions of this regulation shall, to the fullest extent practicable, show the lots resulting from said subdivision to be uniform in terms of those features which do not conform to the zoning and form district regulations applicable to the property. A subdivision of property in accordance with the terms of this provision shall not affect the pre-existing nonconforming use status pertaining to the property. As a condition of approval, the Planning Commission may require restrictions to be placed on the subdivision plat.

7.1.86 **Subdivisions for Utility Service Facilities**

Where the Planning Commission finds that the subdivision of a lot for sale or lease to a utility for the purpose of installing a service facility will promote the public health, safety, or welfare, then the Planning Commission may approve the requested subdivision notwithstanding the fact that the resulting lots do not conform to the applicable requirements relating to area or width of the lot or relating to the size of any associated access easements. Any such subdivision shall be solely for the purpose of installing the utility service facility. If the utility subsequently abandons its resultant substandard lot and the lot from which it was created is also substandard, then the substandard lot created for the utility shall not be used for any purpose unless it is consolidated with the lot from which it was originally divided. If the utility subsequently abandons its resultant substandard lot and the lot from which it was created does not become substandard by virtue of this division, then the substandard lot created for the utility shall not be used for any purpose unless it is consolidated with an adjacent lot and that resultant lot is in a zoning classification that permits the proposed use.

NOTE:
Conditions of Approval on all subdivision plans shall remain applicable to the subject property after the subdivision plan expires.

7.1.90 Previously Approved Subdivisions

The provisions of the Land Development Code shall apply to all major and minor subdivision applications filed on or after March 1, 2003 (LDC effective date). Subdivision plans (major and minor) filed with a complete application prior to March 1, 2003 shall be reviewed for compliance with the Subdivision regulations in effect at the time of filing.

Approved Preliminary Subdivision Plans that will expire before September 1, 2003 shall be deemed to expire one hundred eighty (180) days after the expiration date of the Preliminary Plan.

No extensions of expiration dates of Preliminary Subdivision Plans approved prior to March 1, 2003 shall be granted by the Planning Commission.

Exception: In the case of subdivisions being developed by sections, for the period within five years of original approval of the preliminary plan, extensions of approval shall be automatic for all sections so long as construction is in progress in any section.

Upon the enactment of these regulations, the construction plans of subdivisions, which have previously received only preliminary plan approval, shall not be subject to the construction requirements of these regulations, provided approval of construction plans under applicable previous construction standards is obtained within one year after enactment.

7.1.91 Amendments to Recorded Plats (Major and Minor)

The Planning Commission shall have the power to amend any recorded plat at the request of any lot owner in the subdivision.

- A. If all owners whose property is subject to the recorded plat have acknowledged their consent to the amendment, Division staff may approve the amendment provided it is in compliance with all other applicable requirements. Parties shall acknowledge their consent, in writing, on forms provided by the Division.
- B. If all such owners have not acknowledged consent, no amendment shall be permitted until there has been reasonable notice given to all persons who may be affected by the record plat amendment and giving such persons a reasonable opportunity to express their objections or concerns.

The Land Development and Transportation Committee shall determine:

- 1. who may be affected;
- 2. who should be given notice;
- 3. the nature of the notice; and
- 4. the manner by which the opportunity to express objections or concerns will be accommodated.

The applicant shall be responsible for providing the Planning Commission with the names and addresses of those persons the Land Development and Transportation Committee determines shall be notified.